

*MICHAEL PUGH vs.  
MERIC*

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*MICHAEL PUGH  
February 28, 2019*

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*Original File 263314.TXT  
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1 UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF NEW YORK

3 MICHAEL PUGH,

4 Plaintiff,

5 -against-

6 MERIC,

7 Defendant.

8 Case No. 1:18-cv-03556

10 One Penn Plaza  
11 New York, New York

12 February 28, 2019  
13 10:00 a.m.

14 EXAMINATION BEFORE TRIAL of MICHAEL PUGH,  
15 taken pursuant to Notice, before Nicole L.  
16 Basile, a Notary Public of the State of New York.

23 ELLEN GRAUER COURT REPORTING CO., LLC  
24 126 East 56th Street, Fifth Floor  
25 New York, New York 10022  
26 212-750-6434  
27 REF: 263314

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14 BY: JASON MIZRAHI, ESQ.

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3 MICHAEL PUGH JASON MIZRAHI 5  
4  
5

6 ----- E X H I B I T S -----

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19

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1                   S T I P U L A T I O N S  
2

3                   IT IS HEREBY STIPULATED AND AGREED by  
4 and between the attorneys for the respective  
5 parties herein, that the sealing and filing of  
6 the within deposition shall be waived.

7  
8                   IT IS FURTHER STIPULATED AND AGREED  
9 that such deposition may be signed and sworn to  
10 before any officer authorized to administer an  
11 oath, with the same force and effect as if  
12 signed and sworn to before the officer before  
13 whom said deposition is taken.

14  
15                  IT IS FURTHER STIPULATED AND AGREED  
16 that all objections, except as to form, are  
17 reserved to form, are reserved to the time of  
18 trial.

19  
20  
21  
22  
23  
24  
25

1 M I C H A E L P U G H, the Witness herein,  
2 having been first duly sworn by a Notary  
3 Public in and of the State of New York,  
4 was examined and testified as follows:

5

6 THE COURT REPORTER: Please state your  
7 name and address for the record.

8 THE WITNESS: Michael Pugh. 936  
9 Carpal Avenue, Bronx, New York 10456.

10

11 EXAMINATION BY.

12 MR. MIZRAHI:

13 Q. Good morning, Michael.

14 A. Good morning.

15 Q. My name is Jason Mizrahi. I represent  
16 the defendant in this matter. And we are here  
17 today for a deposition. I am not sure if this is  
18 your first deposition, but I would like to begin  
19 by just laying some ground rules.

20 A. Okay.

21 Q. Letting you know what you can expect,  
22 just so we can facilitate this in the easiest way  
23 possible. I am going to be asking you some  
24 questions. Okay. And if you don't understand a  
25 question, just let me know. I will be happy to

1 PUGH

2 rephrase it. If you want to take a break at any  
3 time, feel free to do so. I only ask that if  
4 there is a question being presented, answer the  
5 question before we stop to take a break. Okay?

6 A. Okay.

7 Q. Make sure that you speak loudly and  
8 clearly, and give verbal responses so that the  
9 court reporter can hear you. What that means is,  
10 please make sure not to give nonverbal responses.  
11 Don't shake your head, don't nod your head, just  
12 be sure to speak in a loud clear voice.

13 Michael, before appearing here today, did  
14 you have any alcoholic beverages in the last 24  
15 hours?

16 A. Yes. I did.

17 Q. What did you have and when?

18 A. What did I have? I just had a  
19 cocktail.

20 Q. What cocktail?

21 A. What cocktail? Does that have  
22 anything to do with the case?

23 Q. The reason I'm asking is because I am  
24 interested in knowing if you've taken anything  
25 that may impair your ability to speak truthfully,

1 PUGH

2 here, today.

3 A. Thank you for explaining.

4 Q. Sure.

5 A. It was a Coors beer.

6 Q. A beer?

7 A. Yes.

8 Q. And when did you have it?

9 A. Like, around 8 p.m., last night.

10 Q. How many alcoholic beverages did you  
11 have in the last 24 hours?

12 A. Just one.

13 Q. Do you think that would impair your  
14 ability to speak truthfully and honestly today?

15 A. Of course not.

16 Q. Are you currently taking any  
17 prescription medications?

18 A. No. I am not.

19 Q. Are there any medications that you  
20 should have been taking but you haven't taken in  
21 the last 24 hours?

22 A. No.

23 Q. Michael, what did you do to prepare  
24 for today's deposition?

25 A. Nothing. Spoke to my attorney. That

1 PUGH

2 is it.

3 Q. Besides speaking to your attorney, did  
4 you do anything to prepare for today's  
5 deposition?

6 A. No. I have not.

7 Q. Other than your attorney, have you  
8 communicated with anybody else about this  
9 lawsuit?

10 A. No.

11 Q. Michael, have you ever been arrested?

12 A. I have.

13 Q. Can you please describe the  
14 circumstances surrounding the arrest?

15 MR. ABRAMS: Well, hold on a second.

16 MR. MIZRAHI: Are you instructing your  
17 client not to answer?

18 MR. ABRAMS: I might be. Just give  
19 me a second. You know, I will let you ask him  
20 about convictions. If he has been convicted in  
21 the last ten years of any felony or any  
22 misdemeanor that relates to dishonesty.

23 MR. MIZRAHI: I am going to ask him  
24 about any prior criminal history and I am going  
25 to use it to go toward impeachment purposes. And

1 PUGH

2 if we need to get the court on the phone, we can  
3 get the court on the phone.

4 MR. ABRAMS: You don't have to tell  
5 him about an arrest --

6 MR. MIZRAHI: Please don't instruct  
7 the client.

8 MR. ABRAMS: I am instructing my  
9 client not to answer your question about arrest.  
10 If you want to ask him about actual convictions  
11 in the last ten years, that is completely fine.

12 Q. Michael, have you ever been arrested?

13 MR. ABRAMS: Don't answer that.  
14 Should we call the court?

15 Q. Michael, have you ever been convicted  
16 of a crime?

17 A. No.

18 Q. Have you been involved in any criminal  
19 proceedings?

20 A. No.

21 Q. Before answering the question, you had  
22 told me that you have been arrested before?

23 MR. ABRAMS: You know what, I am  
24 directing my client not to answer. If you want  
25 to call the court, it's up to you.

1 PUGH

2 MR. MIZRAHI: Yes. We are going to  
3 give the court a call.

4 MR. ABRAMS: Let the record reflect  
5 that the attorney for the defendant has exited  
6 the room.

7 (A discussion was held off the  
8 record.)

9 MR. MIZRAHI: We are ready to  
10 continue.

11 Q. Michael, have you ever committed a  
12 crime?

13 A. No.

14 Q. Have you ever been involved in any  
15 other legal claims or proceedings?

16 A. No.

17 Q. Are you sure?

18 MR. ABRAMS: Hold on a sec [sic].  
19 You can answer.

20 A. I already answered your question.

21 Q. Please, answer the question.

22 A. I answered the question already.

23 Q. I just want to make sure. Is that  
24 your testimony here today, that you have never  
25 been involved in any other claims or any other

1 PUGH

2 legal proceedings besides this case?

3 A. Yes.

4 Q. Okay. Are you familiar with an action  
5 filed in the Supreme Court of the State of New  
6 York captioned Pugh v Bestall Moda, LLC?

7 A. You can ask my attorney.

8 Q. Please answer the question, Michael.

9 MR. ABRAMS: You know, I think, if  
10 you could address my client by his last name. I  
11 think that would be more respectful, if you don't  
12 mind.

13 Q. Sir, please answer the question?

14 A. You can rephrase your question.

15 Q. Are you familiar with an action filed  
16 in the Supreme Court of the State of New York  
17 captioned Pugh v Bestall Moda, LLC?

18 A. You can ask my attorney.

19 Q. Mr. Pugh, please answer the question.  
20 Your attorney is not here for his deposition.  
21 You are here for your deposition. So I am going  
22 to respectfully ask that if there's a question  
23 being presented, that you answer the question.

24 A. I don't understand the question.

25 Q. Have you ever filed a lawsuit in the

1 PUGH

2 state of New York?

3 A. No.

4 MR. MIZRAHI: Defendants would like to  
5 admit into evidence Exhibit 1. If you could  
6 please mark the State Court Complaint as Exhibit  
7 1.

8 (Defendant's Exhibit 1, STATE  
9 COURT COMPLAINT, was marked  
10 for identification.)

11 MR. MIZRAHI: David, if you would like  
12 a copy (handing).

13 Q. I am handing you a document that says  
14 complaint -- a summons and complaint that was  
15 filed in the State Court. If you would like to  
16 take a moment to review it (handing).

17 A. (Perusing.)

18 Q. Have you finished reviewing it?

19 A. Yes.

20 Q. Mr. Pugh, do you recognize this  
21 document?

22 A. I do.

23 Q. What is it?

24 A. What is it?

25 Q. Yes.

1 PUGH

2 A. What do you mean, what is it?

3 Q. What is this document?

4 A. This document -- I don't know. I  
5 mean, it's lawyer stuff.

6 Q. Does your name appear anywhere in this  
7 document?

8 A. Yes. My name do [sic] appear.

9 Q. Where does it appear?

10 A. At the top.

11 Q. Okay. And why does your name appear  
12 at the top of this document?

13 A. This is a document that -- I mean, I  
14 don't know what this document is. I know my name  
15 is there.

16 Q. Okay. Why is your name there?

17 A. Why is my name there? This is lawyer  
18 -- a lawyer document.

19 Q. Have you ever seen this document  
20 before today?

21 A. I believe I did. Yes.

22 Q. Where did you see it?

23 A. You can ask my attorney.

24 Q. Mr. Pugh, again, I am going to remind  
25 you that your attorney isn't here for his

1 PUGH

2 deposition. So respectfully, I am asking that if  
3 I am asking you a question, you have to answer  
4 the question.

5 A. Got it.

6 Q. Unless your attorney specifically  
7 instructs you not to, you have to answer the  
8 question that I am asking.

9 A. Okay.

10 Q. Have you seen this document before  
11 today?

12 A. Yes.

13 Q. Where have you seen it?

14 A. At my attorney's office.

15 Q. Can you please describe the  
16 circumstances surrounding when you've last seen  
17 this document?

18 MR. ABRAMS: I am directing my client  
19 not to disclose any conversations he may have had  
20 with me concerning this document or the  
21 circumstances.

22 MR. MIZRAHI: That's fine.

23 Q. Mr. Pugh, without going into any of  
24 the details regarding the discussions that you  
25 had with your attorney, can you please describe

1 PUGH

2 the circumstances surrounding when you've seen  
3 this document?

4 A. About a year ago.

5 Q. Tell me about it.

6 A. Tell you about it, like as in --

7 Q. So I am interested in knowing what you  
8 know about this document, because it seems to me,  
9 like you don't know much about what it is, and  
10 what it contains, and what it says. So I would  
11 like to know what you know about it, because it  
12 is directly relevant to this case.

13 MR. ABRAMS: And I am instructing my  
14 client not to divulge any information, which, is  
15 from conversations he had with me.

16 A. I agree.

17 Q. Can you please --

18 MR. ABRAMS: It doesn't matter if you  
19 agree or not.

20 Q. You have to answer the question,  
21 Mr. Pugh. Can you tell me about the  
22 circumstances leading up to filing this lawsuit?

23 MR. ABRAMS: And, again, I am  
24 directing my client not to disclose any  
25 conversations he had with me, regarding the

1 PUGH

2 filing of the lawsuit.

3 Q. Mr. Pugh, is this a lawsuit filed in  
4 the state of New York?

5 A. This is.

6 Q. What is this lawsuit about?

7 A. What is it about?

8 Q. Yes.

9 A. It is about the case that I have  
10 against Bestall.

11 Q. Tell me about the case.

12 A. What do you want to know about the  
13 case?

14 Q. Can you please describe the case to  
15 me?

16 A. Describe the case?

17 Q. Yes.

18 A. As in, what?

19 Q. Please answer the question.

20 A. You didn't give me a correct question.  
21 I don't know what you are trying to ask me.

22 Q. I would like you to describe what this  
23 case is about, using your own words.

24 A. The case is about me and Bestall. And  
25 me being treated unfairly.

1 PUGH

2 Q. Why did you sue Bestall?

3 A. For unpaid wages.

4 Q. What are you seeking to recover in  
5 this lawsuit?

6 A. Excuse me?

7 Q. What are you seeking to recover in  
8 this lawsuit?

9 A. It clearly states here, right? I  
10 mean, I was unpaid unfairly. I mean, not fairly,  
11 but I was just unpaid unfairly.

12 Q. Sir, please. Sir, if you can answer  
13 the question. What are you seeking to recover,  
14 what is your goal, what would you like to receive  
15 by filing this lawsuit?

16 A. My goal is just, you know, so it won't  
17 happen to somebody like me.

18 Q. Okay. Are you seeking recovery of  
19 your back paid wages -- of your alleged back paid  
20 wages?

21 A. My alleged, no. It is the correct  
22 thing. They didn't pay me, so I think I should  
23 be entitled to that.

24 Q. And is that why you filed this lawsuit  
25 in State Court?

1 PUGH

2 A. Yes.

3 MR. MIZRAHI: Defendants would like to  
4 mark into evidence, Exhibit 2.

5 (Defendant's Exhibit 2, STATE

6 COURT COMPLAINT, was marked  
7 for identification.)

8 Q. Mr. Pugh, I've handed you --

9 MR. ABRAMS: After this question, if  
10 you don't mind, I would like to take a break and  
11 have a chat with my client.

12 MR. MIZRAHI: Sure.

13 MR. ABRAMS: I mean, I think it would  
14 be helpful to you.

15 Q. Mr. Pugh, I have handed you a  
16 document. Please take a minute to familiarize  
17 yourself with the document.

18 A. (Perusing.)

19 Q. Mr. Pugh, have you had a moment to  
20 familiarize yourself with this document?

21 A. Yes.

22 MR. ABRAMS: Okay. So I just need to  
23 talk to him for a minute.

24 MR. MIZRAHI: Sure.

25 (A discussion was held off the

1 PUGH

2 record.)

3 Q. Mr. Pugh, are you familiar with this  
4 document?

5 A. This document, I don't -- I am not  
6 familiar. Like, I don't -- I've probably seen it  
7 before, but it looks like it is the same  
8 document, but different wording on the paper from  
9 Exhibit 1.

10 Q. Mr. Pugh, are you familiar with this  
11 document?

12 A. I don't know.

13 Q. Mr. Pugh, have you ever seen this  
14 document before?

15 A. I don't know.

16 Q. Mr. Pugh, does your name appear  
17 anywhere on this document?

18 A. Yes. It do [sic].

19 Q. Where does it appear?

20 A. At the top left corner.

21 Q. And why does your name appear there?

22 A. Why does my name appear there? I  
23 don't know.

24 Q. Mr. Pugh, do you know that you're a  
25 plaintiff in a pending lawsuit --

1 PUGH

2 A. I do know that.

3 Q. -- in the Federal Court of the  
4 Southern District of New York?

5 A. Yes.

6 Q. Do you know that there was a summons  
7 and a complaint filed in that lawsuit?

8 A. A summons and a complaint. Can you  
9 rephrase your question?

10 Q. Do you know what a summons and  
11 complaint is?

12 A. I know what a summons is.

13 Q. Do you know what a complaint is?

14 A. I know what a complaint is.

15 Q. Do you know that there was a complaint  
16 filed in this lawsuit?

17 MR. ABRAMS: And hold on a second.

18 And I am directing my client not to provide an  
19 answer that includes information gained from  
20 conversations between him and me.

21 MR. MIZRAHI: You can object, but  
22 we're going to continue.

23 MR. ABRAMS: I am not objecting. I  
24 am just telling my client that in answering the  
25 questions, he is not to reveal any conversations

1 PUGH

2 he had between me and him, because those, of  
3 course, would be privileged. And if he has  
4 independent knowledge, he is perfectly free to  
5 share it.

6 Q. Mr. Pugh, why does your name appear on  
7 this document?

8 A. I don't know.

9 Q. Mr. Pugh, did you have a moment to  
10 familiarize yourself with this document?

11 A. I've read the document.

12 Q. And what is it?

13 A. What is it? It says a ton of things.

14 Q. What does it say?

15 A. Some of the words on document -- on  
16 the document, I don't really understand. So I  
17 don't know.

18 Q. Is it your testimony here, today, that  
19 you don't understand the words in this document?

20 A. (Perusing.) Some of them I do  
21 understand. Looks like I wasn't paid overtime,  
22 et cetera.

23 Q. Sir, can you please describe what this  
24 document is?

25 A. Describe what it is?

1 PUGH

2 Q. Yes.

3 A. I don't know what it is. I mean, I  
4 just know that it says overtime pay, which I know  
5 is going on along with my case, et cetera.

6 Q. Mr. Pugh, did you file a lawsuit in  
7 State Court in 2017?

8 MR. ABRAMS: And I am just going to  
9 direct my client, that when he answers that  
10 question, he should not reveal information  
11 arising from conversations between him and me.  
12 As those would be attorney-client privilege.

13 Q. Mr. Pugh, did you file a lawsuit in  
14 the state of New York in 2017?

15 A. I can't remember.

16 Q. I am going to refresh your  
17 recollection. If you can please direct your  
18 attention to Exhibit 1. I am going to ask you  
19 again, did you file a lawsuit in the state of New  
20 York in 2017?

21 A. Against who?

22 Q. Against anybody?

23 A. Yes. I did.

24 Q. Did you file a lawsuit in 2017 against  
25 your former employer?

1 PUGH

2 A. Yes. I did.

3 Q. Did you file a lawsuit in Federal  
4 Court in the Southern District of New York in  
5 2018?

6 A. Yes. I did.

7 Q. Did you file that lawsuit also against  
8 your former employer?

9 A. Yes. I did.

10 Q. Is it the same employer in both  
11 lawsuits?

12 A. Yes.

13 Q. Are those two lawsuits identical?

14 A. It should be.

15 Q. Okay. Why did you file two identical  
16 lawsuits against your former employer?

17 A. I don't know.

18 Q. Why would you think that you would  
19 file two identical lawsuits against your former  
20 employer?

21 A. I am not an attorney.

22 Q. Did you instruct your attorney to file  
23 a lawsuit in the state of New York in 2017?  
24 Please answer the question.

25 MR. ABRAMS: I am directing my client

1 PUGH

2 not to answer the question. Don't answer that.

3 MR. MIZRAHI: We are going to call the  
4 court. Before we continue, what is the basis of  
5 your objection?

6 MR. ABRAMS: I am not going to let  
7 you ask questions about conversations between my  
8 client and I. It is all attorney-client  
9 privilege.

10 MR. MIZRAHI: Can you please reread  
11 the last question that was posed?

12 (The requested portion of the  
13 record was read by the court  
14 reporter.)

15 MR. MIZRAHI: Are you still  
16 maintaining that basis of your objection via  
17 attorney-client privilege?

18 MR. ABRAMS: I think so. Unless, do  
19 you have an understanding of the attorney-client  
20 privilege that's different than mine. As I  
21 understand it, you can't ask about conversations  
22 he had with me.

23 MR. MIZRAHI: Okay.

24 Q. Mr. Pugh, for the remainder of the  
25 deposition, I am going to be sometimes referring

1 PUGH

2 to Bestall Moda, LLC, as Bestall Moda or Bestall.

3 Are you familiar with Bestall Moda?

4 A. Yes. I am.

5 Q. What is it?

6 A. A company.

7 Q. What kind of company is it?

8 A. A shirt makers company.

9 Q. Can you please describe how you are  
10 familiar with them?

11 A. I was the operations manager for their  
12 store.

13 Q. Tell me about it.

14 A. Tell you about a shirt making company?

15 Q. Can you just tell me about what you  
16 did as an operations manager for their store?

17 A. I was in control of their store.

18 Q. When did you first start performing  
19 services for Bestall Moda?

20 A. I can't remember.

21 Q. Was it in 2015?

22 A. 2015? I mean, we are in 2019. So it  
23 had to be like about two or three years ago.

24 Q. When did you first start working at  
25 Bestall Moda?

1 PUGH

2 A. I don't know.

3 Q. If I can direct your attention to  
4 Exhibit 2 and if you could please take a moment  
5 to refresh your recollection by reading paragraph  
6 five.

7 A. (Witness complies.) Okay.

8 Q. According to the summons and complaint  
9 in this action, when did you first start  
10 performing services for Bestall Moda?

11 A. A year from May 2017.

12 Q. So it is your testimony that you  
13 started working for Bestall Moda on or around May  
14 of 2016?

15 A. I don't know.

16 Q. When did you first start working at  
17 Bestall Moda?

18 A. I had several jobs after that. So I  
19 don't know.

20 Q. Do you recall the circumstances  
21 surrounding when you first started working at  
22 Bestall Moda?

23 A. What is that pertaining to, what  
24 circumstances?

25 Q. Do you recall the events leading up to

1 PUGH

2 when you first started working at Bestall Moda?

3 A. What events?

4 Q. Generally, the events that had led up  
5 to you starting to work at Bestall Moda?

6 A. What are you trying to ask me, because  
7 I don't know.

8 Q. Do you remember when you were first  
9 hired at Bestall Moda?

10 A. I don't know when I was first hired  
11 and the date of it.

12 Q. Do you remember the circumstances,  
13 besides the date and the time, around when you  
14 first started working?

15 A. I don't know. I had several jobs  
16 after that. So I don't know. There are a lot of  
17 dates in my head.

18 Q. Before you started working at Bestall  
19 Moda, were you interviewed?

20 A. Yes.

21 Q. Who were you interviewed by?

22 A. Illiya's partner, Vincent.

23 Q. Do you remember his full name?

24 A. Vincent, starts with an O or something  
25 like that.

1 PUGH

2 Q. If I represented to you that his last  
3 name was Ordioni. Is that someone who you are  
4 familiar with?

5 A. I don't know. I didn't -- I don't  
6 know.

7 Q. What did you and Vincent talk about  
8 when you were first discussing your employment  
9 with Bestall Moda?

10 A. We talked about my employment.

11 Q. Can you please tell me what you talked  
12 about?

13 A. About either getting hired, or not.

14 Q. Did you discuss what your payment  
15 would be?

16 A. He had to get confirmation from  
17 Illiya.

18 Q. Please answer the question.

19 A. That was the answer.

20 Q. My question was, whether or not you  
21 and Vincent discussed what your payment would be?

22 A. We did.

23 Q. And what did you discuss?

24 A. What did we discuss? My payment. 11  
25 dollars.

1 PUGH

2 Q. So you discussed that you would be  
3 paid an hourly wage?

4 A. Yes.

5 Q. And what did you and Vincent say, what  
6 was the conversation like?

7 A. I was hired. I would be getting paid  
8 this and that was it.

9 Q. Did you and Vincent discuss your  
10 scheduling?

11 A. I always had 40 hours.

12 Q. I am going to ask for you to answer  
13 the question that was posed.

14 A. Okay.

15 Q. The question was, did you and Vincent  
16 discuss scheduling?

17 A. Scheduling? Yes. You can say that.

18 Q. What did you and Vincent discuss with  
19 regards to scheduling?

20 A. 40 hours per week.

21 Q. How did you learn that you had been  
22 hired?

23 A. There was a call to my phone or e-mail  
24 stating that I was hired by Bestall.

25 Q. Who was on the phone call?

1 PUGH

2 A. Who was on the phone call? Illiya's  
3 partner, Vincent.

4 Q. And this is Vincent Ordioni?

5 A. I don't know his last name.

6 Q. Okay. This is the same individual who  
7 you were speaking with regarding your  
8 compensation, with regards to your scheduling.

9 Is that correct?

10 A. Yes.

11 Q. Was Illiya Meric present during any of  
12 these conversations?

13 A. Illiya was on the phone, like, a  
14 conference phone call with me.

15 Q. When was Illiya on the call with you?

16 A. When I got first hired -- when I first  
17 got hired.

18 Q. When was that phone call?

19 A. I don't know.

20 Q. Was Mr. Meric part of the discussions  
21 when you and Vincent were discussing your  
22 payment?

23 A. Vincent had to get the okay from  
24 Illiya Meric.

25 Q. Was Mr. Meric present during the

1 PUGH

2 discussions when you and Vincent were discussing  
3 your compensation?

4 A. No. He was not.

5 Q. Was Mr. Meric present when you and  
6 Vincent were discussing your scheduling?

7 A. No. He was not.

8 Q. Mr. Pugh, did you receive an offer  
9 letter with regards to your employment at Bestall  
10 Moda?

11 A. I did receive one.

12 MR. MISRAHI: Please mark this as  
13 Defendant's Exhibit 3.

14 (Defendant's Exhibit 3, OFFER  
15 LETTER, was marked for  
16 identification.)

17 MR. MIZRAHI: We are going to take  
18 just a quick break.

19 (A recess was taken.)

20 MR. MIZRAHI: Can you tell me what  
21 the last question was?

22 (Requested testimony was  
23 read.)

24 Q. Mr. Pugh, you have in front of you a  
25 document that's been marked as Exhibit 3. It is

1 PUGH

2 an offer letter dated April 16, 2016. Can you  
3 please take a moment to familiarize yourself with  
4 this document.

5 A. April 15th.

6 Q. Thank you. You're correct. Let the  
7 record show that the document is dated April 15,  
8 2016. When you've finished familiarizing  
9 yourself with it, just let me know.

10 A. I am done.

11 Q. Mr. Pugh, do you recognize this  
12 document?

13 A. No.

14 Q. Mr. Pugh, have you ever seen this  
15 document before today?

16 A. No.

17 Q. Mr. Pugh, is it your testimony here,  
18 today, that you are seeing this document for the  
19 first time?

20 A. This document is not for the first  
21 time. I have seen this document before.

22 Q. Where have you seen it?

23 A. I've seen this document at my  
24 attorney's office.

25 Q. When did you see it first?

1 PUGH

2 A. I don't know.

3 Q. Was it on or around April 15, 2016?

4 A. No.

5 Q. Was it before then?

6 A. Before? No.

7 Q. Was it after?

8 A. Was it after it? It was after my  
employment with Bestall.

9  
10 Q. Mr. Pugh, does your name appear  
anywhere on this document?

11 A. My name is there.

12 Q. Does your address appear anywhere on  
this document?

13 A. Yes. It do [sic].

14 Q. Is the address that is identified on  
the top left corner of the document, your name  
and your address?

15 A. Yes.

16 Q. Where else does your name appear on  
this document?

17 A. At the lower part of the document.

18 Q. Mr. Pugh, what is this document?

19 A. I don't know.

20 Q. Is it your testimony here, today, that

1 PUGH

2 you've seen this document before today. Is that  
3 correct?

4 A. I've seen it before today, yes.

5 Q. And what is this document?

6 A. I don't know what this document is.

7 Q. Does this document contain any  
8 information regarding your employment with  
9 Bestall?

10 A. I mean, it looks like it has  
11 information pertaining to my employment with  
12 Bestall, yes.

13 Q. Does this document have any  
14 information pertaining to your compensation with  
15 Bestall?

16 A. It looks like that.

17 Q. And where does it have that  
18 information?

19 A. On the document.

20 Q. Where on the document?

21 A. I guess, the terms of the offer  
22 includes the following and then it states it  
23 right there.

24 Q. And then it goes on to state your  
25 hourly compensation, your weekly schedule, and

1 PUGH

2 circumstances regarding your termination should  
3 you want to leave. Is that accurate?

4 A. Is it accurate? I mean, yes. It  
5 looks like it is.

6 Q. And then it also lists here  
7 anticipated start date as Monday April 18, 2016.  
8 Is that also accurate?

9 A. I don't know.

10 Q. Does the offer letter state that your  
11 anticipated start date is Monday April 18, 2016?

12 MR. ABRAMS: Hold on a sec [sic]. I  
13 am objecting to the form of the question.

14 A. Yes.

15 MR. ABRAMS: You can answer.

16 A. No. I just don't know. Like, I don't  
17 know. Like I said, I have seen this document  
18 after I exited Bestall.

19 Q. Does anybody else's name appear  
20 anywhere on this document?

21 A. No.

22 Q. Do you see a name listed towards the  
23 bottom of the document by one, Mr. Vincent  
24 Ordioni?

25 A. Yes. I see that.

1 PUGH

2 Q. And is this the same Vincent who you  
3 were speaking with, with regards to your --  
4 before you started working at Bestall?

5 A. Yes. Illiya's partner.

6 Q. Does Illiya Meric's name appear  
7 anywhere on this document?

8 A. Not that I know of.

9 Q. Is this offer letter accurate?

10 A. No.

11 Q. Why not?

12 A. I didn't see this document when I was  
13 employed.

14 Q. Is this offer letter accurate?

15 A. No.

16 MR. ABRAMS: I am going to object to  
17 the form of the question. You can answer.

18 Q. Does this offer letter contain any  
19 inaccuracies?

20 MR. ABRAMS: And I am going to object  
21 to the form of the question, but you can answer  
22 it.

23 Q. Please answer the question.

24 A. I didn't see this document when I was  
25 employed.

1 PUGH

2 Q. Mr. Pugh, does this document contain  
3 any inaccuracies?

4 A. It looks like it.

5 Q. Where?

6 A. Where? I have never seen all of these  
7 words on the document before. I can't point out  
8 where, but this is not the document that they  
9 gave me.

10 Q. Mr. Pugh, where are the inaccuracies  
11 that you are alleging exist in this document?

12 A. I told you already. This is not the  
13 document that they gave me.

14 Q. How is it different from the one they  
15 gave you?

16 A. Because I don't remember it being this  
17 much words. I have -- like, I can remember  
18 things. And this is not it.

19 Q. How were the words different?

20 A. Because it was shorter. It was like,  
21 not even all of these words. It was just very  
22 short, simple, neat, done.

23 Q. So is it your testimony here, today,  
24 that you were provided an offer letter before you  
25 started to work at Bestall Moda?

1 PUGH

2 A. I was.

3 Q. When were you provided that document?

4 A. It had to be in April.

5 Q. That would be on or around April 15,  
6 2016?

7 A. It could have been those dates, yes.

8 Q. Do you have a copy of that offer  
9 letter?

10 A. I don't.

11 Q. How was that offer letter presented to  
12 you?

13 A. On a table. I looked through it. I  
14 signed the bottom of the document and then, I  
15 gave it back to Vincent.

16 Q. Who was in the room when you signed  
17 the offer letter?

18 A. Vincent.

19 Q. Where did this take place?

20 A. At Bestall Moda, Chelsea.

21 Q. Was Mr. Illiya Meric present when you  
22 had executed this offer letter?

23 MR. ABRAMS: I am going to object to  
24 the form of the question.

25 Q. Do you recall if Mr. Illiya Meric was

1 PUGH

2 present when you had executed that offer letter?

3 A. No.

4 Q. No, do you recall if he was, or no, he  
5 wasn't present?

6 A. No. I don't recall he was.

7 Q. So he may not have been there?

8 A. Yes.

9 Q. Did the offer letter that you had  
10 received contain information with regards to your  
11 compensation?

12 A. Yes.

13 Q. Is the information regarding your  
14 compensation the same or different from this  
15 offer letter that you have in front of you today?

16 A. This document is flawed. So I can't  
17 really inform you about that.

18 Q. Does this document contain information  
19 with regards to your hourly compensation?

20 A. It looks like it.

21 Q. Okay. Is the information with regards  
22 to your hourly compensation the same or different  
23 from the information that you were given when you  
24 first started working?

25 A. I don't know.

1 PUGH

2 Q. So it could have been the same?

3 A. It could have.

4 Q. Does the information contained in this  
5 document discuss anything with regards to your  
6 scheduling?

7 A. I mean, it is right there on the  
8 paper.

9 Q. It does, doesn't it?

10 A. Yes.

11 Q. Is the information presented in this  
12 document the same or different from the  
13 information that you were given when you had  
14 first started working at Bestall Moda?

15 A. I know I was working 40 hours a week.

16 Q. And that was the same information that  
17 was presented in this document?

18 A. Yes.

19 Q. Can you please describe your duties  
20 and responsibilities at Bestall Moda?

21 A. I was operations. Operations, I mean,  
22 basically is under the CEO.

23 Q. What was your official title at  
24 Bestall Moda?

25 A. Operations manager.

1 PUGH

2 Q. And what did you do as an operations  
3 manager?

4 A. Everything that the CEO did and more.

5 Q. So you were acting as CEO for Bestall  
6 Moda?

7 A. It's right under the CEO. I worked  
8 side by side with them.

9 Q. Can you walk me through, like a normal  
10 day as an operations manager?

11 A. Opening the store, transactions,  
12 prepping, their facebook website, accounts, et  
13 cetera.

14 Q. So on a normal day you would open the  
15 store, what else do you do?

16 A. Accounts.

17 Q. What does that mean?

18 A. Facebook accounts, instagram, et  
19 cetera.

20 Q. Beside opening the store and besides  
21 --

22 A. Selling. Taking customers  
23 information. Doing transactions.

24 Q. Besides opening the store, helping  
25 customers with sales, assisting with the

1 PUGH

2 companies facebook, did you have any other duties  
3 and responsibilities?

4 A. There were several.

5 Q. What else?

6 A. Managing their team. A ton of things.

7 Q. What else?

8 A. What else? A ton of things. Like  
9 helping them out with getting income, networking.

10 Q. Besides opening the store, helping  
11 customers with transactions, managing a team,  
12 assisting with facebook and networking. Were  
13 there any other duties and responsibilities that  
14 you had?

15 A. Going above and beyond so their  
16 company can be very successful.

17 Q. In what way?

18 A. In what way? Moneywise. I mean --

19 Q. In what ways did you go above and  
20 beyond?

21 A. Bringing in customers, clienteling,  
22 networking, et cetera.

23 Q. What was your weekly schedule at  
24 Bestall?

25 A. 40 hours plus.

1 PUGH

2 Q. At what time would you typically  
3 arrive for work?

4 A. If business is doing good 10, 11  
5 o'clock.

6 Q. 11 o'clock?

7 A. 10 or 11 o'clock.

8 Q. So sometimes 10 o'clock and sometimes  
9 11 o'clock?

10 A. Yes.

11 Q. What time would you typically leave  
12 for work?

13 A. Eight p.m. was the time frame that I  
14 should be leaving from work, but if business is  
15 slow, then seven. If business is doing great,  
16 then, obviously, I would stay open until nine.

17 Q. So what time would you say you would  
18 typically leave for work?

19 A. Eight o'clock is always the due date  
20 for me to leave work.

21 Q. Is that the time you would typically  
22 leave for work, around eight o'clock?

23 A. Yes.

24 Q. Okay. So your weekly schedule was  
25 either around 10 a.m. or 11 a.m. to around eight

1 PUGH

2 p.m.?

3 A. Yes.

4 Q. Mr. Pugh, what time did the business  
5 open?

6 A. What time did the business open? 10  
7 or 11 o'clock.

8 Q. On what days did it open at 10 a.m.?

9 A. Monday through Friday.

10 Q. On what days did it open at 11 a.m.?

11 A. Sunday.

12 Q. And what about Saturdays?

13 A. Saturday's 10 a.m. Saturdays is  
14 always a busy day for retail.

15 Q. So the business was open starting at  
16 10 a.m. from Monday through Saturday and then 11  
17 a.m. on Sundays?

18 A. Yes. You can say that.

19 Q. Mr. Pugh, did you open the store every  
20 day?

21 A. Yes. I was the one that always worked  
22 every day.

23 Q. Were you the one that opened the store  
24 every day?

25 A. Yes.

1 PUGH

2 Q. Can you describe the opening  
3 procedures for me?

4 A. The opening procedures, unlocking the  
5 door, turning on the lights, making sure the  
6 ambiance is well presentable. Getting the  
7 register, counting the drawer. Making sure our  
8 stock is correct and prepped up for customers to  
9 come in and basically buy from our company.

10 Q. Was anybody else responsible for  
11 opening the store besides you?

12 A. We had key holders, yes.

13 Q. Who else was responsible for opening  
14 the store besides you?

15 A. Who else? Our sales team.

16 Q. Who else opened the store, besides  
17 you?

18 A. Our sales team. We had a sales team.

19 Q. Who else was on the sales team?

20 A. They are not here today, so I don't  
21 feel like I want to give their information out.

22 Q. Okay. Mr. Pugh, I am going to ask,  
23 unless your attorney directly tells you not  
24 to answer a question, you are going to have to  
25 answer the question.

1 PUGH

2 A. Why do I have to answer the question?  
3 That is personal information.

4 Q. Because this is a deposition and the  
5 information that I'm seeking is relevant to the  
6 claims and defenses in this case.

7 MR. ABRAMS: Would you mind if I just  
8 have a chat with my client outside of the room?

9 MR. MIZRAHI: Not until the question  
10 asked is answered.

11 MR. ABRAMS: Fine. Just trying to  
12 help you.

13 A. We had a sales team.

14 Q. Who was on the sales team?

15 A. I don't know. I didn't hire them.

16 Q. Excuse me?

17 A. I don't know.

18 Q. Do you know the identities of anybody  
19 else who you were working with?

20 A. I can talk for myself.

21 Q. Right. Did you work with anybody else  
22 while you were at Bestall Moda?

23 A. I was mostly there by myself.

24 Q. Were you ever there with anybody else?

25 A. Probably so.

1 PUGH

2 Q. Who were you there with?

3 A. Who was I there with? A salesperson.

4 Q. Who?

5 A. Who? I told you I don't feel  
6 comfortable presenting their name to you, because  
7 they are not here.

8 Q. You have to answer the question.

9 A. I already answered the question. I  
10 had a sales team.

11 Q. It doesn't matter whether or not you  
12 feel comfortable.

13 A. Okay.

14 Q. If I ask a question, you have to  
15 answer it. Again, I am going to respectfully ask  
16 that you answer the question. Can you tell me  
17 the names of the persons who were on the sales  
18 team?

19 A. Jay. He had a nickname, Jay.

20 Q. Did you know Jay's full name?

21 A. No. I don't.

22 Q. Was anybody else on the sales team?

23 A. We had a sales team, yes. So Gerald.

24 Q. Do you know Gerald's first and last  
25 name?

1 PUGH

2 A. No. I don't.

3 Q. Besides Jay and Gerald, who else was  
4 on the sales team?

5 A. That is about it.

6 Q. Is it your recollection that there  
7 were only two members of the sales team?

8 A. Yes.

9 Q. Okay. I would like to remind you that  
10 you are under oath, Mr. Pugh.

11 A. I understand that.

12 Q. So were you ever responsible for  
13 closing the business?

14 A. Yes.

15 Q. On how many occasions did you close  
16 the business?

17 A. About five or six times a week.

18 Q. So you closed the business five days a  
19 week?

20 A. I opened the business, I closed the  
21 business five to six days a week.

22 Q. Who would open and close the business  
23 on the days you didn't?

24 A. One of those employees.

25 Q. And it would only either be Jay or

1 PUGH

2 Gerald?

3 A. Yes.

4 Q. Can you please describe what Jay looks  
5 like?

6 A. No. Because I don't remember.

7 Q. Can you please describe what Gerald  
8 looks like?

9 A. No. Because I don't remember.

10 Q. Was he tall, was he short?

11 A. Don't remember.

12 Q. Was he young, was he old?

13 A. Don't remember.

14 Q. I am going to ask that you try to  
15 remember.

16 A. I already tried and I don't remember.

17 Q. What time did the business close?

18 A. I told you. Eight o'clock.

19 Q. Can you please describe the closing  
20 procedures for me?

21 A. Cutting off the lights. Counting the  
22 money, getting receipts, texting Vincent and also  
23 Illiya, the numbers for the day. Locking the  
24 door. That is mostly it.

25 Q. Did you perform any other work?

1 PUGH

2 A. Networking after I get off of work.

3 Q. You previously testified that you  
4 started working on or around April 15 of 2016?

5 A. That is what the paper says.

6 Q. Is that correct?

7 A. I said that is what the paper says. I  
8 can't remember the date.

9 Q. Do you recall testifying today that  
10 you started working on or around April 16, 2016?

11 A. That is what the paper says, yes.

12 Q. No. I am not interested in knowing  
13 what the paper says. I am interested in  
14 reminding you that you testified earlier today  
15 that you started working --

16 A. What do you mean about -- what are you  
17 trying to say, because I don't understand the  
18 question.

19 Q. Do you recall testifying earlier today  
20 that you started working --

21 A. Testifying? Can you be a little more  
22 detailed about that word.

23 Q. When you answer my questions, you are  
24 providing testimony.

25 A. Okay. And?

1 PUGH

2 Q. Do you recall testifying earlier that  
3 you started working around April 16th of 2016?

4 A. I agree to the date on the paper, yes.

5 Q. When did you stop working for Bestall  
6 Moda?

7 A. I don't remember the date, but,  
8 obviously it says May 2017.

9 Q. Is that accurate?

10 A. It should be, yes.

11 Q. Between April 2016 and May 2017, did  
12 you take any vacations?

13 A. Did I take any vacations? No.

14 Q. No. Did you travel anywhere for an  
15 extended period of time?

16 A. Now that I think about it, yes. I  
17 actually did.

18 Q. Where did you go?

19 A. Atlanta.

20 Q. Atlanta. Is that where you are from?

21 A. No.

22 Q. When did you go to Atlanta?

23 A. Maybe, September. Maybe.

24 Q. So that would be September of 2016?

25 A. Possibly.

1 PUGH

2 Q. How long were you there for?

3 A. Three days.

4 Q. Did you take any other extended  
5 periods of time off of work between 2016 and  
6 2017?

7 A. No. Never.

8 Q. Michael, did you ever work in excess  
9 of 40 hours per week during your employment at  
10 Bestall?

11 MR. ABRAMS: If you could refer to my  
12 client in more respectful terms, I would  
13 appreciate it. His name is Mr. Pugh or you can  
14 call him sir. And we will do the same courtesy  
15 as referring to you as mister, or Mr. Mizrahi.

16 MR. MIZRAHI: Sorry.

17 Q. Mr. Pugh, did you ever work in excess  
18 of 40 hours per week, at any point, during your  
19 employment?

20 A. Of course, I did.

21 Q. On how many instances?

22 A. Most of the time. And I would like to  
23 ask why you keep on saying April 16?

24 MR. ABRAMS: All right. Sir, you  
25 don't get to ask him questions. You just answer

1 PUGH

2 his questions as best you can. That is all you  
3 have to do. Okay. Why he is doing what he is  
4 doing, is not your concern. Okay?

5 THE WITNESS: Okay.

6 Q. Mr. Pugh, on how many instances did  
7 you work in excess of 40 hours per week?

8 A. Most of the time.

9 Q. Do you recall a number?

10 A. No. I don't.

11 Q. You don't recall a number. For each  
12 week that you worked in excess of 40 hours a  
13 week, approximately how many hours of overtime  
14 did you work?

15 A. Excuse me?

16 Q. For each week that you believe that  
17 you worked in excess of 40 hours, how many hours  
18 over 40 did you work?

19 A. I would say about an hour or two.

20 Q. Per week?

21 A. Yes.

22 Q. Mr. Pugh, how many hours did you work  
23 the week of April 15, 2016?

24 A. I don't know.

25 Q. And the week of April 25, 2016?

1 PUGH

2 A. I don't know.

3 Q. Do you recall how many hours you  
4 worked the week of May 2, 2016?

5 A. I don't know.

6 Q. Would it have been more than 40 or  
7 less than 40?

8 A. I worked 40 hours plus while I was  
9 with company. I do know that.

10 Q. Is it your testimony here that you  
11 worked in excess of 40 hours per week?

12 A. Plus.

13 Q. Is it your testimony that you worked  
14 over 40 hours per week every week?

15 A. I don't know.

16 Q. So you are not sure?

17 A. I am not sure.

18 Q. Okay.

19 MR. MIZRAHI: We are going to be  
20 marking this as Defendant's Exhibit 4.

21 (Defendant's Exhibit 4, TIME  
22 SHEETS, were marked for  
23 identification.)

24 Q. Mr. Pugh, I am handing you a series of  
25 time sheets from April 18, 2016 through and

1 PUGH

2 including May 1, 2018. Please take a moment to  
3 familiarize yourself with these documents  
4 (handing).

5 A. (Perusing.) Okay.

6 Q. Mr. Pugh, do you recognize these  
7 documents?

8 A. Yes. The documents are familiar.

9 Q. What are they?

10 A. It looks like total hours that I  
11 worked per week.

12 Q. Does your name appear anywhere on this  
13 document?

14 A. Yes.

15 Q. It does. Is this document a time  
16 schedule for your weekly hours while employed by  
17 Bestall Moda?

18 A. It looks like it.

19 Q. Is this time sheet an accurate  
20 representation of your weekly schedule at  
21 Bestall?

22 A. I don't know.

23 Q. You can take a moment to review it.

24 A. I already reviewed it.

25 Q. Is this document an accurate

1 PUGH

2 representation of the hours that you had worked?

3 A. It could be.

4 Q. All right. To the best of your  
5 knowledge here, today, does this document contain  
6 any inaccuracies?

7 A. I don't know.

8 Q. So it is accurate?

9 A. I don't know if it is accurate.

10 Q. According to the document, it states  
11 that you were working the week of April 18th a  
12 total of 28 hours per week. Is that information  
13 accurate?

14 A. I don't know.

15 Q. It could be accurate?

16 A. It could be.

17 Q. Okay. And according to this document,  
18 for the week of April 25, 2016, you worked a  
19 total of 38 hours. Is that also accurate?

20 A. It could be.

21 Q. Okay. How many hours did you work the  
22 week of April 25th?

23 A. I don't know. We had a punch-in,  
24 punch-out system, so --

25 Q. Okay. How many hours did you work the

1 PUGH

2 week of April 18th?

3 A. It says on the paper 28.

4 Q. So you worked 28 hours the week of  
5 April 18th?

6 A. That is what it says on the paper,  
7 yes.

8 Q. Is that actually how many hours you  
9 had worked?

10 A. I don't remember. I don't recall.

11 Q. According to the document, it states  
12 that you worked 38 hours the week of May 2nd. Is  
13 that information correct?

14 A. It could be correct.

15 Q. How many hours did you work the week  
16 of May 2, 2016?

17 A. I don't recall.

18 Q. Mr. Pugh, how many hours did you work  
19 the week of May 9, 2016?

20 A. I don't recall.

21 Q. How many hours did you work the week  
22 of May 30, 2016?

23 A. We had a punch-in system and that is  
24 what I went by.

25 Q. Okay. So you went with the hours that

1 PUGH

2 were whatever the -- you would punch in and you  
3 would punch out and that is how you kept track of  
4 your hours. Is that accurate?

5 A. Yes.

6 Q. Are these the hours and the  
7 information that is listed here --

8 A. This is a paper printed and I have  
9 never seen so many hours put together like this.  
10 So --

11 Q. Mr. Pugh, does the information  
12 contained in this time sheet, is the information  
13 accurate?

14 A. It could be.

15 Q. Okay. Mr. Pugh, according to the time  
16 sheets, do you see that there are certain hours  
17 that are highlighted?

18 A. Yes.

19 Q. Okay. On how many instances do you  
20 see numbers that are highlighted?

21 A. Seven.

22 Q. Mr. Pugh, the hours that are  
23 highlighted, they all appear to be numbers in  
24 excess of 40 hours per week. Is that accurate?

25 A. Yes.

1 PUGH

2 Q. So according to the punch-in and  
3 punch-out records, you had only worked overtime  
4 on seven instances. Is that correct?

5 MR. ABRAMS: Object to the form of  
6 the question.

7 Q. You can answer.

8 A. Can you repeat your question or  
9 rephrase it please.

10 Q. Yes. According to this document, you  
11 had only worked overtime on seven instances. Is  
12 that accurate?

13 A. That is according to the document,  
14 yes.

15 Q. Is that information accurate?

16 A. No.

17 Q. Why not?

18 A. Because I probably worked more hours  
19 on the dates that say 38.

20 Q. On what other dates did you work in  
21 excess of 40 hours per week?

22 A. I know after I closed the store I was  
23 networking for them also. That was just me  
24 closing the store. But I am still working for  
25 them.

1 PUGH

2 Q. But the information in the time  
3 reports is accurate for you opening and you  
4 closing the store?

5 A. It could be.

6 Q. Is it?

7 A. It could be.

8 Q. It could be. How much overtime do you  
9 believe that you worked from April '16 to May  
10 '17?

11 A. It could be more than what the paper  
12 is stating.

13 Q. But according to the document, you  
14 only worked a total of 18 overtime hours?

15 A. That is according to the document,  
16 yes.

17 Q. Is that accurate?

18 A. It could be.

19 Q. It could be. But you believe it could  
20 be more?

21 A. It could be more.

22 Q. How much more do you believe it could  
23 be?

24 A. I don't know. Ten to eight, ten to  
25 nine. Could be more.

1 PUGH

2 Q. How did you come up with that number?

3 A. That is the time I opened, that is the  
4 time I closed.

5 Q. Excuse me?

6 A. That is the time I opened, that is the  
7 time I closed. So ten to eight. You can  
8 calculate. So it could be more than what the  
9 paper is stating.

10 Q. Okay. Mr. Pugh, how are you  
11 compensated when you initially started working  
12 for Bestall?

13 A. What did you mean?

14 Q. How were you paid?

15 A. With a check.

16 Q. Were you paid on an hourly basis?

17 A. I was.

18 Q. When you first started working, what  
19 was your hourly compensation?

20 A. It may have been ten.

21 Q. Ten dollars per hour?

22 A. Yes.

23 Q. Did your rate of pay ever change?

24 A. Yes.

25 Q. When did it change?

1 PUGH

2 A. Maybe three to four months after.

3 Q. So maybe around July or June?

4 A. Yes. In the summertime.

5 Q. What was your rate of pay from April  
6 2016 up until the date it changed?

7 A. It could have been ten dollars.

8 Q. What did it change to?

9 A. 11.

10 Q. Dollars per hour?

11 A. Yes.

12 Q. Mr. Pugh, do you believe you're  
13 entitled to any unpaid compensation in this  
14 lawsuit?

15 A. Can you rephrase your question?

16 Q. Do you believe that you are owed any  
17 unpaid compensation in this lawsuit?

18 A. Yes.

19 Q. Okay. How much unpaid compensation do  
20 you believe you are owed?

21 A. I don't know.

22 Q. Is it more than 100 dollars or is it  
23 less than 100 dollars?

24 A. I don't know.

25 Q. On what basis do you believe you are

1 PUGH

2 owed unpaid compensation?

3 A. I don't know.

4 Q. So you are not sure why you are owed  
5 unpaid compensation?

6 A. Yes. They didn't pay me.

7 Q. What didn't they pay you?

8 A. The money that I worked for them. I  
9 mean, if you work, you are owed money.

10 Q. Is it your testimony here that you  
11 weren't paid for the hours you had worked for  
12 Bestall?

13 A. Yes.

14 Q. How much unpaid compensation were you  
15 owed for the week of April 18, 2016?

16 A. I don't know.

17 Q. And how much unpaid compensation do  
18 you believe you are owed for the week of April  
19 25 --

20 A. I don't know.

21 Q. -- 2016. What about May 2, 2016?

22 A. I don't know.

23 Q. And what about May 9, 2016?

24 A. I don't know.

25 Q. Do you know any amounts that you may

1 PUGH

2 believe that you are owed for unpaid  
3 compensation?

4 A. I don't know.

5 Q. Okay.

6 MR. MIZRAHI: We would like to mark  
7 this as Defendant's Exhibit 5 for identification.

8 (Defendant's Exhibit 5, WAGE  
9 STATEMENTS, were marked for  
10 identification.)

11 Q. Mr. Pugh, I am showing you a series of  
12 wage statements beginning April 1, 2016 through  
13 and including May 2, 2017. Please take a moment  
14 to familiarize yourself with these documents.

15 A. (Perusing.) Okay.

16 Q. Have you finished reviewing these  
17 documents?

18 A. I have.

19 Q. Do you recognize these documents?

20 A. I believe so.

21 Q. What are they?

22 A. It looks like pay stubs, or deposits,  
23 or something like that.

24 Q. Does your name appear anywhere on this  
25 document?

1 PUGH

2 A. Yes. It do [sic].

3 Q. What are these pay stubs -- the pay  
4 stubs, they have some information on them. It  
5 looks like they list a rate of pay, they also  
6 list a total amount of hours worked and a total  
7 amount of gross income that you would have  
8 received. Is that accurate?

9 A. Yes.

10 Q. Is there any information contained in  
11 these pay stubs that is inaccurate?

12 A. Not that I know of.

13 Q. Okay. You received a pay stub. How  
14 often did you receive a pay stub while working at  
15 Bestall?

16 A. Not often. It was deposited.

17 Q. Did you have direct deposit set up?

18 A. It looks like it.

19 Q. Okay. How often would you receive a  
20 direct deposit?

21 A. Once a month.

22 Q. So once a month you would receive  
23 direct deposit containing this information. Is  
24 that correct?

25 A. It looks like it.

1 PUGH

2 Q. The information here, does it  
3 correctly list how much you were paid for the  
4 hours that you had worked?

5 A. Yes.

6 MR. MIZRAHI: I am going to mark this  
7 as Defendant's Exhibit 6 for identification.

8 (Defendant's Exhibit 6,

9 MINIMUM WAGE POSTER, was  
10 marked for identification.)

11 Q. Mr. Pugh, I am showing you a  
12 photograph of a minimum wage poster that was  
13 posted in the store. Please take a moment to  
14 familiarize yourself with the photograph.

15 A. I did.

16 Q. Do you recognize this poster?

17 A. I recognize the poster, yes.

18 Q. Where have you seen it before?

19 A. At Bestall.

20 Q. Where was it posted?

21 A. In the bathroom.

22 Q. Do you know what this poster is?

23 A. Yes. It tells you about your wages,  
24 how much you are supposed to be getting, et  
25 cetera.

1 PUGH

2 Q. Does it contain information about your  
3 overtime rights?

4 A. Not that I know of. I don't know.

5 Q. But it is a poster of rights to  
6 employment in New York, right?

7 A. Yes.

8 Q. So it may contain information with  
9 regards to your overtime rights. Is that  
10 correct?

11 A. Time and a half, yes.

12 Q. It does contain information about your  
13 overtime, yes?

14 A. Yes.

15 Q. And it contains, generally, other  
16 information with regards to employee rights in  
17 New York?

18 A. It does.

19 Q. It does?

20 A. Yes.

21 Q. Is it accurate to say that you saw  
22 this poster on a daily basis?

23 A. I saw the poster on a daily basis.

24 Q. Okay. At any point, during your  
25 approximately one-year employment with Bestall,

1 PUGH

2 did you ever experience any issues with your  
3 compensation?

4 A. Sometimes.

5 Q. Can you tell me about them?

6 A. They couldn't pay us.

7 Q. Did you ever raise these issues with  
8 your supervisor?

9 A. Several times.

10 Q. Can you tell me about those  
11 discussion?

12 A. Why are we not getting paid on time.

13 Q. Besides not getting paid on time, was  
14 there any other issues with regards to  
15 compensation?

16 A. They would pay us in checks.

17 Q. With regards to not being paid on time  
18 and being paid in checks, were you experiencing  
19 any other issues with regards to your  
20 compensation?

21 A. Yes.

22 Q. What issues?

23 A. Time and a half. When I worked over  
24 40 hours they only paid 11 dollars an hour,  
25 maybe. What else --

1 PUGH

2 Q. Is that it?

3 A. They would pay half of the money that  
4 they owe us.

5 Q. Is that it?

6 A. It could be, or it could be more.

7 Q. But to the best of your memory here,  
8 today, that's it?

9 A. Yes.

10 Q. So you said that over the course of  
11 your employment you've experienced issues with  
12 your compensation, you weren't paid on time, and  
13 you were being paid in checks, and you weren't  
14 receiving your full overtime. Is that accurate?

15 A. Yes.

16 Q. Did you ever bring these issues to the  
17 attention of your supervisor?

18 A. Several times.

19 Q. Tell me about it.

20 A. I would come to him, why are we not  
21 getting paid on time. They would want us to  
22 stick it out. After a while it was just  
23 happening every month and to work monthly -- it's  
24 just like, you are getting one check. So you are  
25 depending on that monthly check.

1 PUGH

2 Q. When did you first bring this to your  
3 supervisor's attention?

4 A. I can't remember.

5 Q. To the best of your ability, do you  
6 recall when you first brought it to your  
7 supervisor's attention?

8 A. After four months.

9 Q. So maybe around September, October is  
10 when you first brought it to your supervisor's  
11 attention?

12 A. Probably so.

13 Q. Whose attention did you bring this to?

14 A. Illiya and also Vincent.

15 Q. You brought this to your supervisor's  
16 attention?

17 A. Yes.

18 Q. Who was your supervisor?

19 A. Who was my supervisor? Illiya and  
20 Vincent.

21 Q. Can you describe the conversations  
22 that you would have with your supervisor?

23 A. The conversations? We should be  
24 getting paid on time, we should be getting time  
25 and a half, et cetera.

1 PUGH

2 Q. So maybe around September or October  
3 is when you first brought this to your  
4 supervisor's attention. And you said that you  
5 were experiencing some issues with getting paid  
6 on time and not being paid overtime. What would  
7 they say?

8 A. They wanted us to stick it out. Like,  
9 it was just dust off their shoulders. Basically.

10 Q. What did they say to you?

11 A. They just wanted us to stick it out.  
12 Everything is going to be okay, et cetera. So it  
13 really wasn't like a full-blown conversation, it  
14 was just like, you have to either take it or  
15 leave it.

16 Q. How did these conversations take  
17 place?

18 A. How did the conversation take place?  
19 What do you mean, I am speaking to you, you're  
20 speaking to me.

21 Q. No. The conversations with your  
22 supervisors, how did these conversations take  
23 place?

24 A. If the incident happened, then I would  
25 bring up the topic.

1 PUGH

2 Q. You would bring it up to them in  
3 person?

4 A. Well, Illiya, obviously, had to be on  
5 the phone. And Vincent was in person, yes.

6 Q. So you brought this to Vincent's  
7 attention in person and then you would sometimes  
8 speak to Illiya on the phone?

9 A. Speak to Illiya over the phone, yes.

10 Q. Was Illiya on the phone every time  
11 that you spoke to Vincent?

12 A. Not every time, but the message was  
13 relayed to him.

14 Q. So was Illiya present during any of  
15 these conversations with Vincent?

16 A. When he flew into the United States,  
17 yes.

18 Q. When was this?

19 A. Maybe around the holiday,  
20 Christmastime.

21 Q. So January of 2017, about?

22 A. Christmas is in December.

23 Q. So December or January of '16?

24 A. Yes.

25 Q. Was Illiya present during any of these

1 PUGH

2 other conversations besides this one?

3 A. I don't remember. I don't recall.

4 Q. Where was Illiya during this time?

5 A. What do you mean, what time?

6 Q. From April '16 to May '17, where was  
7 Illiya Meric?

8 A. In Europe or something like that.

9 Q. Was he there on a day-to-day basis?

10 A. His wife was.

11 Q. Was Illiya Meric in the store on a  
12 day-to-day basis?

13 A. Of course, not. He was in Europe.

14 Q. How many times did you meet Illiya  
15 Meric?

16 A. A couple of times.

17 Q. How many?

18 A. I don't recall, but I know it was over  
19 ten times.

20 Q. Over ten times. You first met him in  
21 December of 2017?

22 A. It was around the holidays, because I  
23 remember we all went to dinner.

24 Q. Okay. How many times did you  
25 communicate with Illiya Meric beginning in April

1 PUGH

2 of 2016 to May 2017?

3 A. We communicated through messaging or  
4 something like that.

5 Q. Okay. On how many instances did you  
6 directly communicate with Mr. Meric?

7 A. I would possibly say my whole entire  
8 employment.

9 Q. How many times per day did you speak  
10 with Mr. Meric?

11 A. Only at the end of the night.

12 Q. Did you speak with him every night?

13 A. Yes.

14 Q. Did he speak with you?

15 A. Yes.

16 Q. What did he say, can you tell me about  
17 these conversations?

18 A. Great job. If I made about 2,000,  
19 3,000 dollars, et cetera, a day.

20 Q. How would you communicate this  
21 information to Mr. Meric?

22 A. We was [sic] in a group chat.

23 Q. Group chat. What was the name of the  
24 group chat that you were in?

25 A. I don't remember. I don't recall.

1 PUGH

2 Q. Was it WhatsApp?

3 A. It could have been. All I know is, we  
4 was [sic] all in a group.

5 Q. And you would text each other daily?

6 A. Yes.

7 Q. Okay. Who else was in the group?

8 A. My employees, their employees, his  
9 wife, him, Vincent, et cetera.

10 Q. When you say "your employees", who are  
11 you referring to?

12 A. The two employees that is on the  
13 paper.

14 Q. What were their names?

15 A. Jay and Gerald.

16 Q. What is Jay's last name?

17 A. Don't remember.

18 Q. You don't remember the name of your  
19 employee?

20 A. No.

21 Q. Who hired Jay?

22 A. Who hired Jay? Illiya and Vincent.

23 Q. Vincent hired Jay?

24 A. Illiya and Vincent.

25 Q. What was the name of your second

1 PUGH

2 employee?

3 A. Gerald.

4 Q. Gerald. Do you know his full name?

5 A. No. I told you that several times  
6 over.

7 Q. Why not?

8 A. Why not? Because I moved on.

9 Q. How long did you work with them?

10 A. A whole year.

11 Q. You worked with these two individuals  
12 for an entire year and you don't know their full  
13 name?

14 A. Yes.

15 Q. Who hired the second individual?

16 A. Illiya and Vincent.

17 Q. How do you know that Illiya hired  
18 these two individuals?

19 A. Because I approached them with the  
20 employees. They have to do the paperwork with  
21 Illiya and Vincent. Vincent has to get the  
22 confirmation from Illiya.

23 Q. Mr. Pugh, who is Vincent Ordioni?

24 A. Illiya's partner.

25 Q. And what was he in relation to you?

1 PUGH

2 A. He was, I guess, the bigger boss. The  
3 higher boss. The CEO.

4 Q. Okay. He was the person who presented  
5 you with the offer letter. Is that correct?

6 A. Excuse me?

7 Q. Was Vincent the individual who  
8 presented you with your offer letter?

9 A. Vincent, yes.

10 Q. Was he the person that told you you  
11 were first hired?

12 A. Yes.

13 Q. Was he the person that you spoke with  
14 in regards to your compensation?

15 A. Yes.

16 Q. Was he the person that you spoke with,  
17 with regards to your scheduling?

18 A. Yes.

19 Q. Did you speak with Mr. Meric regarding  
20 your compensation before you started working?

21 A. Everything had to be ran by Mr. Meric.

22 Q. I am asking if you spoke with  
23 Mr. Meric directly about your compensation,  
24 before you started working?

25 A. I didn't need to, but Vincent did.

1 PUGH

2 Q. Again, I just want to make sure the  
3 record is clear. Did you speak to Mr. Meric  
4 directly about your compensation, before you  
5 started working?

6 A. No.

7 Q. Okay. Did you speak with Mr. Meric  
8 directly about your scheduling --

9 A. No.

10 Q. -- before you started working?

11 A. No.

12 Q. Did you speak with Mr. Meric, at all,  
13 about your compensation --

14 A. No.

15 Q. -- during your employment?

16 A. No.

17 Q. Did you speak with Mr. Meric, at all,  
18 directly during your employment with regards to  
19 your scheduling?

20 A. No.

21 Q. If you had any issues with, like,  
22 customers, who would you speak to?

23 A. I would speak with myself. I can  
24 handle that.

25 Q. Did you have to report anything to

1 PUGH

2 your supervisor?

3 A. Not that I remember.

4 Q. Mr. Meric [sic], you previously stated  
5 that you stopped working at Bestall around May of  
6 2017, is that accurate?

7 A. Yes.

8 Q. Can you describe the circumstances  
9 leading up to your termination from the company?

10 A. Mr. Meric and Vincent was on the  
11 phone. I heard them going back and fourth. I  
12 told Vincent that I was going on my thirty and  
13 came back and Vincent informed me that --

14 Q. I am sorry. You were going on your  
15 what?

16 A. My thirty. My thirty-minute break.

17 Q. Okay.

18 A. Vincent -- I came back from that and  
19 Vincent informed me that he is sorry, but he has  
20 to let me go.

21 Q. How did you feel?

22 A. How did I feel? How does anybody  
23 feel.

24 Q. How did you feel?

25 A. I mean, I moved on. So how would

1 PUGH

2 anybody feel when they get laid off.

3 Q. Did Vincent tell you why you were  
4 being terminated?

5 A. After the fact, I did find out.  
6 Vincent informed me that it was just business,  
7 but I did overhear both of them arguing and  
8 Vincent was defending me because, obviously,  
9 Illiya is not in town and he doesn't know what is  
10 going on in the U.S., but Illiya still wanted to  
11 let me go.

12 Q. So when you say he was out of town,  
13 what do you mean?

14 A. He was in Europe still.

15 Q. He was in Europe, and he wasn't really  
16 knowing what was going on in the U.S., do you  
17 mean with the business?

18 A. Yes.

19 Q. Like the day-to-day stuff, he didn't  
20 really know --

21 A. Yes. I handled that.

22 Q. Okay. So Illiya didn't really handle  
23 the scheduling, did he?

24 A. Everything had to go through him,  
25 obviously, because he is the one that terminated

1 PUGH

2 me. So --

3 Q. So, but you said that Vincent was the  
4 one who terminated you?

5 A. Vincent handed out the schedule, yes.

6 Q. No. No. I'm saying -- you said that  
7 Vincent was the one who terminated you. He told  
8 you that you were terminated, right?

9 A. Vincent informed me that I was  
10 terminated from Illiya.

11 Q. Okay. But he told you that you were  
12 terminated, right?

13 A. He informed me that Illiya wanted to  
14 terminate me. Yes, he did.

15 Q. What did he say?

16 A. Illiya would like to, basically, like  
17 to let you go and it is just business.

18 MR. MIZRAHI: I would like to mark  
19 this as Defendant's Exhibit 7 for identification.

20 (Defendant's Exhibit 7,

21 RECOMMENDATION LETTER, was

22 marked for identification.)

23 Q. Mr. Pugh, I am showing you a letter of  
24 recommendation dated May 2, 2017. Just take a  
25 moment to familiarize yourself with the document.

1 PUGH

2 A. Yes. I remember this document.

3 Q. What is it?

4 A. A recommendation letter.

5 Q. Have you seen this document before?

6 A. Yes. I have.

7 Q. Where have you seen this document?

8 A. I seen it when I was terminated.

9 Q. Did Vincent Ordioni write you a letter  
10 of recommendation --

11 A. Yes. He did.

12 Q. -- upon your termination?

13 A. Yes. He did.

14 Q. Okay. Did you ask Vincent to write  
15 you a letter of recommendation?

16 A. I did.

17 Q. Can you tell me about it, just the  
18 conversation you had with Vincent?

19 A. The conversation was about -- he knew  
20 I was wrongly terminated and he wanted to help  
21 out as best as he could. So he wrote me a  
22 recommendation letter.

23 Q. Why did you ask Vincent?

24 A. Why did I ask Vincent? Because  
25 Vincent was there. He is, obviously -- like I

1 PUGH

2 said, he is Illiya's partner. Me and him worked  
3 side by side with each other so I asked him, hey,  
4 can you write me a recommendation letter because  
5 he knows what was going on with the company in  
6 the U.S., Illiya was always in Europe.

7 Q. Right. You asked Vincent because he  
8 was the one who knew what was going on with the  
9 business in the U.S., right?

10 A. In the U.S.. just like I knew what  
11 was going on in the U.S. with the business.

12 Q. Okay. Did you ask him because he was  
13 the one who knew you?

14 A. No. Of course not. This is business.

15 Q. No. I am saying, did you ask him  
16 because he was more familiar with your work?

17 A. You didn't ask that before, but yes.  
18 I did ask him because he knew how good of a  
19 person I am on the floor.

20 Q. And he would also know your schedule,  
21 like, if you were on time, if you were not on  
22 time or just, you know --

23 A. I mean, I can't answer that question.

24 Q. Okay. The letter of recommendation,  
25 it states that you're dependable. Is that

1 PUGH

2 correct?

3 A. That is correct.

4 Q. What do you think he was referring to?

5 A. Making sure his company stays afloat  
6 in the U.S.

7 Q. Do you think that would mean showing  
8 up to work when you needed to?

9 A. Every single day.

10 Q. Okay. If you had any issues with your  
11 schedule, who would you go to?

12 A. There was no issues with my schedule,  
13 because I always worked 40 hours.

14 Q. Even if there were any times that  
15 maybe you had to leave early or had leave late?

16 A. There was none.

17 Q. What about if you ever had to go, you  
18 know, on vacation or take an extended trip?

19 A. It would get spoken by -- well, spoken  
20 to Vincent and Vincent would relay the message to  
21 Illiya.

22 Q. How do you know that Vincent would  
23 relay the message to Illiya?

24 A. Because I was there.

25 Q. Where were you?

1 PUGH

2 A. In the office.

3 Q. At sometime during your employment,  
4 you took a trip to Atlanta, right?

5 A. Yes.

6 Q. Did you have a conversation with your  
7 supervisor about the trip?

8 A. Yes. Of course.

9 Q. Who did you have a conversation with?

10 A. Vincent and Illiya relayed the  
11 message -- I mean, Vincent relayed the message.

12 Q. I just want to make sure the record is  
13 clear. Who did you have a conversation with?

14 A. Vincent.

15 Q. Vincent Ordioni?

16 A. I don't know his last name.

17 Q. What did you tell him?

18 A. I am going to Atlanta, or can I take  
19 these days off, I mean.

20 Q. So you asked him for permission if you  
21 could take the time off?

22 A. Yes, of course. Out of respect, this  
23 is their business.

24 Q. Right. And what did he say?

25 A. He had to get confirmation from

1 PUGH

2 Illiya.

3 Q. Is that what he said?

4 A. Yes. Of course.

5 Q. What did he say, do you remember  
6 exactly what he said?

7 A. I just told you what he said. He had  
8 to get confirmation from Illiya and he would get  
9 back to me.

10 Q. How did you have this conversation  
11 with Vincent?

12 A. Face-to-face.

13 Q. Okay. If you ever, hypothetically,  
14 had any issues with your schedule, who would you  
15 speak to?

16 A. I can't answer that question.

17 Q. Hypothetically speaking, if you ever  
18 had an issue --

19 A. I can't answer that question, because  
20 it never happened.

21 Q. No. I'm saying if it had happened, if  
22 there was an emergency?

23 A. The CEO, obviously.

24 Q. Who was that?

25 A. Vincent and Illiya.

1 PUGH

2 Q. No. But who would you speak to?

3 A. Who would I speak to? Illiya. I  
4 mean, Vincent and Illiya.

5 Q. How would you speak to Illiya?

6 A. Either through Vincent, or over the  
7 phone as a conference, or through his wife.

8 Q. But I mean directly, who would you  
9 speak to directly?

10 A. Directly, obviously Vincent, because  
11 he was in the United States.

12 Q. So if there were any issues, either  
13 real or hypothetical, with your schedule, you  
14 would have direct conversations with Vincent?

15 A. Correct.

16 Q. Because Vincent was like the  
17 day-to-day guy, right?

18 A. He was here in the United States just  
19 as well as I was.

20 Q. Yes. He was right there with you. He  
21 was working right next to you. He was at the  
22 store, correct?

23 A. Yes. And when Illiya flew in, he was  
24 there right next to me. He was with me when we  
25 would speak, et cetera.

1 PUGH

2 Q. You previously mentioned that you had  
3 some coworkers that you worked with at Bestall,  
4 right?

5 A. Yes.

6 Q. How many coworkers did you have?

7 A. Two.

8 Q. Besides the two coworkers, did you  
9 have any other coworkers?

10 A. I can't remember.

11 Q. To the best of your recollection,  
12 today, who else worked with you at Bestall Moda?

13 A. I told you, two.

14 Q. Who were they?

15 A. Who were they? Gerald and Jay.

16 Q. When did you first meet Gerald?

17 A. Don't remember.

18 Q. Was it before you started working or  
19 was it after you started working?

20 A. He came after.

21 Q. It was after you started working at  
22 Bestall?

23 A. No. He came after.

24 Q. So you met him after you started  
25 working at Bestall?

1 PUGH

2 A. Yes.

3 Q. Okay. And Jay, did you meet him  
4 before or after you started working at Bestall?

5 A. After I started working at Bestall.

6 Q. When did you start working at Bestall?

7 A. I don't remember.

8 Q. Around what time?

9 A. I don't remember.

10 Q. Was it in 2016?

11 A. It was obviously the same year I was  
12 there, because I met them.

13 Q. Was it in 2017 or 2016?

14 A. It says a year on the paper. So a  
15 whole year. That's when I met them.

16 Q. I am sorry. When did you first meet  
17 them?

18 A. Don't remember.

19 Q. You are not sure of the exact time?

20 A. No.

21 Q. Was it in April?

22 A. Don't remember.

23 Q. Was it in May?

24 A. Don't remember.

25 Q. Was it during the summertime?

1 PUGH

2 A. Don't remember.

3 Q. Do you remember how they came to work  
4 at Bestall?

5 A. What do you mean?

6 Q. Do you recall how they started working  
7 at Bestall?

8 A. How did they start working at Bestall?

9 Q. Yes.

10 A. Because, I and Vincent gave the okay.  
11 It was translated to Illiya and that was mostly  
12 it. They started working for us.

13 Q. Did they apply to work at Bestall?

14 A. Yes. Of course.

15 Q. Okay. Did you interview them?

16 A. I did.

17 Q. Did Vincent interview them?

18 A. Yes. He did.

19 Q. Did they submit any documentation in  
20 connection with their application?

21 A. Excuse me?

22 Q. Did either of these individuals submit  
23 an information or documents --

24 A. I have no idea. I don't remember.

25 Q. -- in connection with their

1 PUGH

2 application?

3 A. I don't remember.

4 Q. Okay. Did you ask them for anything?

5 A. Did I ask them? Yes. I told them to  
6 bring a resume and I appointed [sic] them to  
7 Vincent.

8 Q. What did they do at the company?

9 A. They were sales. So they had to sell.

10 Q. They were salesmen?

11 A. Yes.

12 Q. Besides these two individuals, were  
13 there any other employees at the company  
14 besides --

15 A. I can't remember.

16 Q. Okay. Walk me through, like, a day  
17 for these two individuals, what did they do?

18 A. Just arrive, sell, and go home.

19 Q. If there were any issues with a  
20 customer, or with coming in late --

21 A. I would handle that.

22 Q. -- who did they report to?

23 A. Me.

24 Q. You. Okay. And would you give that  
25 information to anyone else?

1 PUGH

2 A. Excuse me?

3 Q. Would you give that information to  
4 anyone else?

5 A. What information?

6 Q. With these two individuals?

7 A. No. Because I am good at what I do.

8 Q. No. No. I'm saying, if they said  
9 that they were coming in late, or if there were  
10 issues with customers, would you give that  
11 information to anyone else?

12 A. To who?

13 Q. To anyone. Would you give that  
14 information to anyone else?

15 A. No. Because I handle my business when  
16 I am there.

17 Q. So they reported directly to you?

18 A. Yes.

19 Q. So you didn't report it to Vincent?

20 A. No. That is something minor.

21 Q. And you didn't report it to Illiya?

22 A. Why would I? Illiya is the CEO.

23 Q. Right. Like he wouldn't handle this  
24 kind of --

25 A. Of course not.

1 PUGH

2 Q. Can you remind me, again, how you were  
3 paid each pay period from Bestall?

4 A. Obviously from the paper, direct  
5 deposit. Some months they gave us checks. So I  
6 am obviously going to have to go through the  
7 dates and see if they are correct, because I did  
8 get paid in checks some months.

9 Q. Do you remember what those check  
10 payments were?

11 A. No. I don't remember.

12 Q. Were they for the full straight-time  
13 hours that you had worked for that month?

14 A. No. Because they were manually  
15 plugged in by the CEO and Vincent, as well.

16 Q. I am sorry?

17 A. It was plugged in manually by the CEO  
18 and that's how we was [sic] paid.

19 Q. What do you mean, plugged in?

20 A. Manually, like on the computer. He  
21 worked 38 hours, or 41 hours, et cetera.

22 Q. The checks that you are saying Vincent  
23 gave you, those checks were compensating you for  
24 your full straight-time hours worked, or did they  
25 give you, like, some payment for your overtime?

1 PUGH

2 Do you know what those checks were intended to  
3 compensate you for?

4 A. I don't understand the question.

5 Q. We can continue.

6 A. Thank you.

7 Q. Who told you that you were getting a  
8 raise when your rate of pay changed?

9 A. Vincent.

10 Q. Can you tell me about the  
11 conversation?

12 A. I will be getting four percent of  
13 their business.

14 Q. Before, you told me that you had an  
15 hourly rate that went from ten dollars an hour to  
16 11 dollars an hour?

17 A. After three months, they raised it to  
18 11 dollars an hour and they added the four  
19 percent of their business onto it.

20 Q. Who told you that they were raising  
21 your --

22 A. Vincent.

23 Q. In addition to the hourly rate, what  
24 else did Vincent tell you?

25 A. The four percent. I would be owning

1 PUGH

2 four percent of their business.

3 Q. Can you describe to me what that  
4 conversation was like?

5 A. It was just a straightforward  
6 conversation. If you make the amounts of money  
7 that we need to receive, you will get four  
8 percent of our business.

9 Q. Do you remember the exact amount that  
10 you had to sell per month to get that bonus?

11 A. The exact amount, it was like in the  
12 ten thousand range.

13 Q. So if you sold ten thousand dollars or  
14 more, they said you would receive --

15 A. Four percent, yes.

16 Q. Four percent of what?

17 A. Of ten thousand.

18 Q. Was it four percent of ten thousand or  
19 was it four percent of anything above what you  
20 sold, above ten thousand?

21 A. No. It was above. It was, like, if I  
22 hit ten plus above too. So if I hit 11, four  
23 percent, 12 four percent, et cetera.

24 Q. Who communicated that information to  
25 you?

1 PUGH

2 A. Vincent discussed it with Illiya and  
3 Vincent relayed the message.

4 Q. I am going to just make sure the  
5 record is clear. I had asked who discussed this  
6 information with you?

7 A. Vincent.

8 Q. Okay. You previously stated that you  
9 would report at the end of each day how much you  
10 had made --

11 A. Correct.

12 Q. -- to Vincent. Is that correct?

13 A. No. I didn't say to Vincent. I said,  
14 to the group.

15 Q. In the group chat?

16 A. Yes.

17 Q. And do you still have the application  
18 on your device?

19 A. No. I switched phones.

20 Q. What kind of phone do you have?

21 A. What kind of phone? I have a Verizon  
22 phone now.

23 Q. What kind of phone?

24 A. Verizon.

25 Q. Is it an Apple or Samsung?

1 PUGH

2 A. No. It is an android.

3 Q. It's an android. Do you remember the  
4 name of the app that you used to communicate with  
5 the group?

6 A. No. I don't.

7 Q. But it would be reasonable to believe  
8 that it would be the same app that your coworkers  
9 had and that Vincent had?

10 A. You can ask Illiya.

11 Q. It would be reasonable to believe that  
12 they would have the app on their phone --

13 A. I don't know. I don't know. I wasn't  
14 in their phone.

15 Q. There would be a record of how many  
16 times that you communicated with Illiya. It  
17 would exist in that application, is that correct?

18 A. I don't know. Obviously, we spoke  
19 every day.

20 Q. Beside using the application, did you  
21 speak with Mr. Meric in any other manner?

22 A. Yes. Of course.

23 Q. How would you speak to him?

24 A. Obviously through the phone with  
25 Vincent on a conference call. Because Vincent

1 PUGH

2 was the only one that had the Europe number.

3 Q. So anytime you spoke with Mr. Meric,  
4 it was in the company of Mr. Vincent. Is that  
5 correct?

6 A. Yes. Yes.

7 Q. Did you ever speak to Mr. Meric  
8 directly?

9 A. In the app, yes.

10 Q. Besides the app?

11 A. Yes. Just through the app. And,  
12 also, in person when he came to the United  
13 States.

14 Q. How many times did you meet Mr. Meric  
15 in person?

16 A. I said it was probably over ten times.

17 Q. There were sporadic occasions he would  
18 pop his head in the store and you would say, hi?

19 A. Yes. He would stay with us for the  
20 whole day to see how the business was going. I  
21 would talk to him, play with his kids, speak with  
22 his wife, et cetera.

23 Q. Did you have closeout procedures at  
24 Bestall?

25 A. I believe so, yes.

1 PUGH

2 Q. Who told you about these closeout  
3 procedures?

4 A. Vincent.

5 Q. Did you have to speak with vendors as  
6 part of your employment with Bestall?

7 A. Who?

8 Q. Did you have to speak with vendors as  
9 part of your employment with Bestall?

10 A. Yes. I handled that as well. Like  
11 vendors for buying clothes?

12 Q. Yes.

13 A. Yes. Of course.

14 Q. Who told you how to speak with vendors  
15 at Bestall?

16 A. Vincent.

17 Q. Were you responsible for collecting  
18 invoices at Bestall?

19 A. Invoices, what do you mean?

20 Q. Invoices. Like, if there were any  
21 past amounts due that the company was owed, who  
22 was responsible for -- were you responsible for  
23 collecting those invoices?

24 A. I don't know. I can't remember.

25 Q. Who would have been responsible for

1 PUGH

2 collecting invoices?

3 A. Vincent, obviously. Yes.

4 Q. And were you responsible for  
5 merchandising?

6 A. Yes.

7 Q. Who directed you on how merchandising  
8 was done at Bestall?

9 A. Nobody needed to, because I was  
10 already trained on that.

11 Q. So you did it independently?

12 A. Yes.

13 Q. So Mr. Vincent directed you on the  
14 closeout procedures and then --

15 A. He trained me.

16 Q. He trained you?

17 A. Straightforward, clean. He is an  
18 older guy, so he can't really be on the floor  
19 with me like that. So he trained me, one, two,  
20 three on the computer and, like most of the stuff  
21 that I knew in my head, I was already doing it  
22 for them.

23 Q. So everything that you learned,  
24 everything that you were doing at Bestall, either  
25 Vincent trained you or you had already known

1 PUGH

2 before you started working there?

3 A. Correct.

4 Q. Besides the federal litigation that we  
5 are currently in, were you ever involved in any  
6 other claims or proceedings?

7 A. No. Not that I know of.

8 Q. Were you ever involved in any criminal  
9 proceedings?

10 MR. ABRAMS: I am going to -- hold on  
11 a second. You are asking him if he was involved  
12 in criminal proceedings, like as a witness, a  
13 party?

14 Q. If you were ever involved in -- were  
15 you ever involved in --

16 MR. ABRAMS: You can ask him if he  
17 was a witness in any criminal proceedings if you  
18 want. I will let you ask him that.

19 MR. MIZRAHI: No. No.

20 MR. ABRAMS: But I am directing him  
21 not to advise if he was a defendant in a criminal  
22 proceeding.

23 Q. Were you ever involved in any criminal  
24 proceedings?

25 MR. ABRAMS: I am advising my client

1 PUGH

2 to, when he answers that question, to limit it to  
3 situations where he was a witness in a  
4 proceeding, not where he was a defendant. You  
5 can answer.

6 A. I don't have an answer to that.

7 MR. ABRAMS: Maybe you can clarify it  
8 a little.

9 MR. MIZRAHI: Let the record state  
10 that plaintiff's counsel is improperly guiding  
11 his client.

12 Q. Were you ever involved in any criminal  
13 proceedings?

14 MR. ABRAMS: I am just directing my  
15 client not to answer. Don't answer that. If you  
16 want to ask him if he was a witness in a  
17 proceeding, I'm not going to direct him not to  
18 answer. You heard what the judge said. You get  
19 to ask him about convictions. That is fine.

20 Q. Have you ever been fired from a job  
21 before, besides at Bestall?

22 A. I don't recall.

23 Q. You may have been?

24 A. I may not have been.

25 Q. You may have been terminated from an

1 PUGH

2 employment?

3 A. I may not have been.

4 Q. But you also may have been, right?

5 A. I don't recall.

6 MR. MIZRAHI: I am going to admit into  
7 evidence the following document.

8 Q. Vincent [sic], I am showing you --

9 A. My name is not Vincent.

10 Q. Vincent [sic], I am showing you a  
11 screen capture of your LinkedIn profile as of  
12 February 26, 2019.

13 MR. ABRAMS: Don't say anything. I  
14 am directing my client not to look at the  
15 document.

16 Q. Please look at the document.

17 MR. ABRAMS: Don't look at it. You  
18 will address my client respectfully. Okay.  
19 That's just on that. You want to call the judge  
20 on that? You will call him Mr. Pugh or sir, and  
21 I will call you Mr. Mizrahi or sir, and you will  
22 call me Mr. Abrams or sir.

23 MR. MIZRAHI: What is the basis of you  
24 instructing your client not to look at this  
25 document?

1 PUGH

2 MR. ABRAMS: You will ask him to do  
3 so in a respectful way. If you ask him to do it  
4 respectfully, if you say, Mr. Pugh or sir, there  
5 is no problem. If you call him by someone else's  
6 name, if you call him Vincent, forget it.

7 Q. Mr. Pugh, I am showing you a screen  
8 capture of your LinkedIn profile as of February  
9 26, 2019. Can you please take a moment to  
10 familiarize yourself with the document.

11 MR. ABRAMS: Go ahead.

12 A. Okay.

13 Q. Are you familiar with this, the  
14 information presented in this document?

15 A. This is a screen capture, so my  
16 information could have changed.

17 Q. As of February 26, 2019, did you  
18 change your LinkedIn profile?

19 A. Did I change my LinkedIn profile? I  
20 could have.

21 Q. Did you?

22 A. I could have. I have a ton of  
23 accounts.

24 Q. To the best of your recollection,  
25 today, did you change any of the information on

1 PUGH

2 your LinkedIn profile --

3 A. I could have.

4 Q. -- from February 26?

5 A. I could have. What is it, the 28th,  
6 27th, today?

7 Q. Yes. Michael, I am showing you your  
8 LinkedIn profile --

9 MR. ABRAMS: Don't say anything.

10 Don't look at it and don't say anything.

11 Q. -- if you could take a moment to  
12 familiarize yourself with the profile.

13 MR. MIZRAHI: Mr. Abrams, on what  
14 basis are you instructing your client?

15 MR. ABRAMS: You have to address my  
16 client respectfully. I don't know how many times  
17 I have to tell you this. This is a federal court  
18 proceeding. If you want him to look at  
19 something, you will call him by his last name.  
20 You will say Mr. Pugh. Don't call him by his  
21 first name. Do you want to call the judge on  
22 this?

23 MR. MIZRAHI: No. No.

24 Q. Mr. Pugh, if I do call you by your  
25 first name, please don't take it as a sign of

1 PUGH

2 disrespect. Mr. Pugh, I am showing you your  
3 LinkedIn profile.

4 MR. ABRAMS: You can look now.

5 Q. If you could just take a moment to  
6 familiarize yourself with the profile.

7 A. I know my profile.

8 Q. Can you please take a moment to  
9 familiarize yourself with the profile.

10 A. Do I have to?

11 Q. Yes.

12 MR. ABRAMS: You can look at it.

13 There is a phone here.

14 THE WITNESS: That is his personal  
15 phone.

16 MR. ABRAMS: Well, if he wants to let  
17 us look at it -- are we going to make this -- I  
18 guess we can take a picture of the phone.

19 Q. Mr. Pugh, if you could just  
20 familiarize yourself with the profile.

21 A. I don't need to, because it is my  
22 profile.

23 Q. I am asking you to and if you could  
24 just take a moment to familiarize yourself.

25 A. No. I don't need to. It is my

1 PUGH

2 profile.

3 MR. ABRAMS: Well, do you have any  
4 questions for him?

5 A. Yes. Like, why do I need to look at  
6 your personal phone?

7 Q. Is the information on your profile, as  
8 of today, is it accurate?

9 A. You just pulled it up today, so it  
10 should be.

11 Q. Okay.

12 MR. ABRAMS: Sir, I have a right to  
13 make a record of everything you show my client.

14 MR. MIZRAHI: Sure.

15 MR. ABRAMS: So just give me a minute.

16 MR. MIZRAHI: No problem.

17 Q. Mr. Pugh, is the information that is  
18 presented on your profile, as of today, the same  
19 or different from what was presented on your  
20 profile on Exhibit 8?

21 A. I don't know. I didn't take a look.

22 Q. You can take a look.

23 A. I don't need to, because it is your  
24 personal phone.

25 Q. I am allowing you to and I am

1 PUGH

2 directing you to.

3 A. You don't need to direct me.

4 Q. Mr. Pugh, again, I would like to  
5 remind you that you are under oath at a federal  
6 deposition. So if I ask you a question, unless  
7 your attorney instructs you not to answer it, you  
8 have to answer it.

9 A. I am looking at Exhibit 8 and my  
10 profile -- this is my name. And I could have  
11 changed my profile before you screen shot it.

12 Q. Okay.

13 A. Anything else?

14 Q. Mr. Pugh, does your name appear  
15 anywhere on this document?

16 A. Yes.

17 Q. Where does it appear?

18 A. On the top.

19 Q. And does this document list your  
20 employment history?

21 A. Not all of it.

22 Q. Does it list some of your employment  
23 history?

24 A. It could have, yes.

25 Q. What employment history does this

1 PUGH

2 document list?

3 A. That I was operations manager at  
4 Bestall.

5 Q. Does this document list any other  
6 information with regards to your employment?

7 A. A couple, yes.

8 Q. What information does it contain?

9 A. Operations manager for Tiziano Zorzan  
10 and fashion stylist for Purdy Girl.

11 Q. Did you work as operations manager for  
12 Tiziano Zorzan?

13 A. Everywhere I was going I was working  
14 as an operations manager.

15 Q. Were you working as an operations  
16 manager for Tiziano Zorzan?

17 A. I was controlling one of his stores,  
18 so yes.

19 Q. Tell me about that job.

20 A. It was the same thing as I did with  
21 Bestall.

22 Q. Can you describe what you did?

23 A. The same thing that I did with  
24 Bestall.

25 Q. What did you do?

1 PUGH

2 A. The same thing I did with Bestall.

3 Q. When did start working for Tiziano  
4 Zorzan?

5 A. It has the dates of September 2017 to  
6 May 2018.

7 Q. And were you working at Tiziano Zorzan  
8 beginning in September of 2017?

9 A. Excuse me?

10 Q. Is that when you started working for  
11 Tiziano?

12 A. I could have, yes.

13 Q. Yes. That would have been while you  
14 were also working at Bestall. Is that correct?

15 A. It could have been.

16 Q. Okay. Did you start working at  
17 Tiziano Zorzan while you were also working at  
18 Bestall?

19 A. It could have been or it may not have  
20 been.

21 Q. But according to your LinkedIn  
22 profile --

23 A. According to it, like I was  
24 calculating. When I left Bestall I went to  
25 Tiziano.

1 PUGH

2 Q. Were you working at Tiziano while you  
3 were working at Bestall?

4 A. Of course not.

5 Q. Why does the LinkedIn profile say that  
6 you were working there while you were also  
7 working at Bestall?

8 A. I was calculating. And I don't  
9 remember the dates. So I put what I thought I  
10 knew.

11 Q. When did you start working at Tiziano  
12 Zorzan?

13 A. I don't remember. I don't recall.

14 Q. Was it while you were working for  
15 Bestall?

16 A. Of course, it was not. I only worked  
17 for one company at a time.

18 Q. How long were you working there for?

19 A. Excuse me?

20 Q. How long were you working there for?

21 A. Probably a short period of time.

22 Q. How long?

23 A. Don't remember. Don't recall.

24 Q. Was it more than nine months or was it  
25 less than nine months?

1 PUGH

2 A. No. It may have been less than nine  
3 months.

4 Q. It would have been after you stopped  
5 working at Bestall?

6 A. Correct.

7 Q. So beginning in May 2017?

8 A. I don't remember.

9 Q. Or June of 2017?

10 A. I don't remember. But it was very --  
11 like a short period of time that I was with  
12 Tiziano. Because things just wasn't there for  
13 me.

14 Q. Tell me about how your employment at  
15 Tiziano came to an end.

16 A. How did it come to an end?

17 Q. Yes.

18 A. We wasn't making money. If I am not  
19 making money, they're not making money.

20 Q. Were you terminated from your  
21 employment at Tiziano?

22 A. I was not terminated. I left.

23 Q. What did you do afterwards?

24 A. What did I do? I went to a  
25 restaurant.

1 PUGH

2 Q. Were you ever terminated from any  
3 employment besides your employment from Bestall?

4 A. No. I am great at what I do.

5 MR. MIZRAHI: We are just going to  
6 take a quick break.

7 (A recess was taken.)

8 MR. MIZRAHI: You are now on speaker  
9 phone and we are now on the record.

10 THE CLERK: Everyone is there. Okay.  
11 Hold on and I will put the Judge on. Hold on.

12 THE COURT: Good afternoon. It is  
13 Judge Schofield, again.

14 MR. MIZRAHI: Good afternoon, Your  
15 Honor. This is Jason Mizrahi again from  
16 Levin-Epstein & Associates, attorneys for the  
17 defendant in the matter.

18 THE COURT: Right. I have my notes  
19 from last time. So I assume it is the same cap  
20 [sic].

21 MR. MIZRAHI: Thank you, Your Honor.  
22 I am calling again, because we have encountered  
23 another issue with regards to another line of  
24 questioning that we would request your assistance  
25 with. Specifically, the line of questioning has

1 PUGH  
2 to do with the filing of the State Court  
3 Complaint that preceded the filing of this  
4 federal lawsuit. Defendant's are seeking basic  
5 information regarding and surrounding the filing  
6 of the State Court Complaint that plaintiff is  
7 refusing to answer. We are requesting that the  
8 court direct the plaintiff to answer questions  
9 and the line of questioning as it pertains to the  
10 filing and the circumstances surrounding the  
11 filing of the State Court Complaint.

12 THE COURT: And what is the relevance  
13 of that to a claim or defense in the case?

14 MR. MIZRAHI: It has to do with the --  
15 it is a fundamental question that we need to  
16 establish to see what the claims and defenses of  
17 this case are, to establish what is it that the  
18 plaintiff is seeking to recover in this case, to  
19 establish if there's a possibility --

20 THE COURT: Wait. I don't understand,  
21 but that is probably because I am not looking at  
22 the docket sheet. Is the State Court Complaint  
23 the only operative complaint here and now, or is  
24 it something --

25 MR. MIZRAHI: To give you a background

1 PUGH

2 there is a State Court Action that was filed in  
3 2017 with identical allegations than the  
4 allegations that were alleged in the Federal  
5 Complaint.

6 THE COURT: Right.

7 Mr. Mizrahi: So we are seeking to  
8 continue with the line of questioning on the  
9 basis of a defense of res judicata that we would  
10 ultimately be exploring and just generally trying  
11 to establish what the plaintiff's contemplated  
12 recovery is in this case, because if he would  
13 recover in one case, he would ultimately recover  
14 in this case and his claims would be mute.

15 THE COURT: Those all sound like legal  
16 questions to me. I mean, the State Court Action,  
17 is what it is. If there is a judgment in that  
18 case, then you can make or raise res judicata  
19 argument and the legal answer is what the legal  
20 answer is, and what the plaintiff contemplates  
21 isn't relative to that.

22 MR. MIZRAHI: Respectfully, Your  
23 Honor, there's one line of questioning that is  
24 not a legal question. It is a factual question  
25 that was left unanswered. And the question was

1 PUGH

2 whether or not the plaintiff had instructed his  
3 attorney to file the State Court action in 2017?

4 THE COURT: And how is that relevant  
5 to a claim or defense in this action?

6 MR. MIZRAHI: Because if he had not  
7 instructed his attorney to file this lawsuit, it  
8 is directly relevant to the defense in this case.

9 THE COURT: So let's say he says,  
10 whatever it is you're hoping in your wildest  
11 dreams he says, which is what? I presume -- and  
12 you can excuse the plaintiff here if you would  
13 like from the room so we can talk about this.

14 MR. MIZRAHI: Yes. I would like to,  
15 Your Honor.

16 MR. ABRAMS: All right. Step out,  
17 sir.

18 MR. MIZRAHI: All right, Your Honor.

19 THE COURT: Okay. So you are  
20 presuming that he is going to say, no I didn't  
21 instruct my attorney to do this, he just did it  
22 on his own, or something like that?

23 MR. MIZRAHI: I am only interested in  
24 hearing the truth, Your Honor.

25 THE COURT: No. I understand that.

1 PUGH

2 But one thing he says he is going to support the  
3 argument or defense you have and other things he  
4 says, will not. I still don't understand what  
5 your defense is. So tell me what testimony you  
6 are seeking to elicit and how that would be  
7 helpful to a defense.

8 MR. MIZRAHI: We are seeking to  
9 illicit testimony that shows that he did not in  
10 fact instruct his attorney to file the State  
11 Court action and that he is attempting to  
12 litigate this case on the basis of having my  
13 clients incur substantial legal fees in order to  
14 defend themselves. In which case, there is bad  
15 faith argument that we would have to raise and we  
16 would have to preserve our rights on that basis.

17 THE COURT: I don't -- I don't think  
18 him saying that one way or the other advances  
19 that defense. I am not sure whether that is a  
20 defense in this action, but even assuming that it  
21 is, the fact that the two exist and that your  
22 client is incurring substantial expenses because  
23 of the duplicity of actions seems to me a basis  
24 for you to argue whatever you want to argue. And  
25 that him saying whether the lawyer instructed him

1 | PUGX

2 or not, or what their communications were, I  
3 mean, this is, as I think about it, this is a  
4 privileged communication between the lawyer and  
5 the client for the purpose of giving or receiving  
6 legal advice. So I will not allow questioning of  
7 that sort and you can proceed with or conclude  
8 with your deposition.

9 MR. MIZRAHI: Okay.

10 THE COURT: Thank, you counsel.

11 MR. MIZRAHI: Thank you.

12 MR. ABRAMS: Thank you. Shall I  
13 bring him back?

14 MR. MIZRAHI: Yes. No further  
15 questions.

16 MR. ABRAMS: I don't have any cross  
17 examination questions, but I do -- my client and  
18 I reserve the right to review a copy of the  
19 transcript and make corrections.

20 MR. MIZRAHI: The defendant in this  
21 case would like to state for the record that they  
22 would also like to reserve their right to reissue  
23 the fact of discovery as it pertains to new  
24 information uncovered over the course of today's  
25 deposition. If, necessary, conduct future

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PUGH

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depositions of Mr. Pugh and/or his associates at  
the company.

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(Time noted: 12:49 p.m.)

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1 A C K N O W L E D G M E N T  
2

3 STATE OF NEW YORK )  
4 :SS

5 COUNTY OF )  
6

7 I, MICHAEL PUGH, hereby certify that I  
8 have read the transcript of my testimony taken  
9 under oath in my deposition of February 28, 2019;  
10 that the transcript is a true, complete and  
11 correct record of my testimony, and that the  
12 answers on the record as given by me are true and  
13 correct.

14  
15  
16 \_\_\_\_\_  
17 MICHAEL PUGH  
18  
19

20 Signed and subscribed to before me,  
21 this day \_\_\_\_\_ of \_\_\_\_\_, 2019.  
22  
23  
24 \_\_\_\_\_  
25 Notary Public, State of \_\_\_\_\_

1 C E R T I F I C A T E  
2

3 I, NICOLE L. BASILE, a Notary Public  
4 within and for the State of New York do hereby  
5 certify that the foregoing examination of was  
6 taken before me on the 28 day of February, 2019.  
7 The said witness was by me duly sworn before  
8 the commencement of their testimony.

9 The said testimony was taken  
10 stenographically by myself and then transcribed.  
11 The within transcript is a true record of the  
12 said testimony.

13 I am not connected by blood or marriage  
14 with any of the said parties, nor interested  
15 directly or indirectly in the matter in  
16 controversy, nor am I in the employ of any of the  
17 counsel.

18 IN WITNESS WHEREOF I have hereunto set  
19 my hand this 14th day of March, 2019.

20  
21  
22  
23 *Nicole L. Basile*  
24

25 NICOLE L. BASILE

1                   \*\*\* ERRATA SHEET \*\*\*

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6                   DATE OF DEPOSITION: February 28, 2019  
7                   NAME OF WITNESS: MICHAEL PUGH

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21                  \_\_\_\_\_

22                  Subscribed and Sworn before me

23                  this \_\_\_\_ day of \_\_\_\_\_, 2019.

24                  \_\_\_\_\_  
25                  Notary Public

My Commission Expires:

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